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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by Centre Europe-Tiers Monde,
a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 February 1994]

Violation of the human rights of the tribal peoples of the Narmada valley in India and of their right to effective enjoyment of economic, social and cultural rights

1. Centre Europe-Tiers Monde (CETIM) is concerned that construction work on the Narmada dam in India is continuing, in violation of the fundamental rights of the inhabitants of the valley.

2. On 2 February last, the Narmada Bachao Andolan (NBA) movement sent us a further alarming report from which we have taken the following excerpts. (The translation is ours.)

> "Fear of police crack-downs has spread through the tribal villages on the banks of the Narmada and many of the tribal people feel insecure because of the presence of over 150 policemen in the small village of Nimgavhan, in Akrani, Dhule district, in the State of Maharashtra. Nimgavhan was

the scene of the beating and arrest of over 75 tribal people and activists on 30 and 31 January last; four or five activists, including the village chief Murlidhar Vasave, a young tribal activist named Bharat Padvi, and Mahesh Sharma and Milind Kothavade were singled out for brutal beating with lathis and they were punched, kicked and subjected to filthy verbal abuse.

When Mahesh, Bharat and Milind became unconscious, the police splashed cold water on their faces and started beating them again as soon as they appeared to regain consciousness. Along with 50 to 60 other tribal people and activists, they were dragged by their limbs to the police camp 7 kms away, while being continuously beaten and kicked. Their bodies were bleeding from being dragged across rocky ground. Mahesh's hand was broken.

The police charged Milind, Mahesh, Bharat and another activist, Mrs. Arundhati Dhuru, with "attempted murder of police", whereas it was the police who were attempting to murder the peaceful tribal people and activists. The tribal people were protesting against the Maharashtra Government's illegal attempt to build a road through their villages and lands, with the obvious aim of forcibly evicting them before the 1994 monsoon". (End of quotation.)

3. This situation is not new. It has been going on continuously for nine years now and is the natural outcome of such a mega-project. Sardar Sarovar can be built only at the cost of repression and misuse of the law. The Governments of the Indian States concerned (Gujarat, Maharashtra and Madhya Pradesh) have followed a consistent pattern: violation of human rights, violation of constitutional rights, ad hoc promulgation of so-called legislative measures custom-made to the requirements of the project and completely outside the democratic process, etc.

4 In the first place, the populations involved were denied any right to information or participation. They were denied any possibility of envisaging a future for themselves. The land surrounding the site was then declared a prohibited area under the Official Secrets Act in order to prevent the people from organizing any more demonstrations. The people fought this decision in 1989 and in 1993 with mass actions and court appeals against the Gujarat Government, to no avail. Instead wide-scale repression has taken place in the villages of Madhya Pradesh. Under the Government of Prime Minister Sunder Lal Patwa (1990-92), there were continuous arrests, beatings, night-time police raids, humiliation of activists, 1/ etc. Protest marches were forbidden and the people were deprived of any right to organize.

5. The village of Manibeli, the first in Maharashtra earmarked for flooding, is an example of the repression to which the inhabitants are subjected when they refuse to vacate the lands. There was even forced inundation.

6. Over 100 people were arrested during the 1991 monsoon. Then, in March to April 1992, this small village was, so to speak, stormed by 500 policemen. There were arrests on a large scale, beatings, ill-treatment and rapes. 2/

In May and June 1993, some 600 policemen again occupied Manibeli. They arrested several people, demolished houses, including the office of Narmada Bachao Andolan.

7. The police, backed by large detachments of armed men, proceeded to carry out compulsory inspections, either to mark and to fell trees in the forest or to carry out expulsions. The people tried very hard to resist these inspections and the tree-felling - by denouncing them as unlawful acts damaging to their living environment - but those acts have continued even more than before.

8. On 19 November 1993, the Maharashtra police fired at a protest demonstration by tribal people. Forty-six shots are reported to have been fired. This action ended tragically with the death of a 15-year-old adolescent, Rohmal Vasave. The Prime Minister of the State of Sharad Pawar nevertheless refused to allow a police investigation to clarify the facts. Instead, peaceful demonstrators protesting against this slaughter were again brutally beaten on 22 November.

9. These arrests and beatings are still going on today, for the obvious purpose of preparing the way for expulsions.

Constant use of the threat of flooding

10. Other forms of pressure and intimidation ranging from bribes to embezzlement and false charges are used. The threat of flooding of the coveted areas is, however, the most intolerable. We quote again here from the NBA report:

> "The threat of inundation of the area and the alleged inevitability of the dam have been used as weapons to force the people to accept their displacement and to demoralize and weaken them. This violates their fundamental right to choose rationally and freely and therefore clearly constitutes action to displace them by force.
>
> Furthermore the Government is now denying the entitlement of the tribal peoples to the land. The Maharashtra Government has declared that these lands are 'Government lands' and the tribal peoples are termed 'illegal occupants', who have no right to their land.
>
> Worse still, using the flooding of the lands as a weapon, the Government is going ahead with construction of the dam, to a height exceeding 73 metres, in contravention of the directives issued by the Prime Minister after the meeting on 12 January with the Prime Ministers of the three States concerned, and the decision of the Narmada supervisory authority not to build the dam higher than 67 metres. This is one form of what might be termed excessive State terrorism against the people!"

11. In order to prevent these grave violations of human rights and of the rights of persons recognized by the Constitution, the inhabitants of the Narmada valley and the associations represented by Narmada Bachao and Andolan are requesting support for the following demands:

(a) A halt to all construction work on the dam, to all expulsions by force and to all felling of trees;

(b) The immediate withdrawal of the police force from the Narmada valley;

(c) No displacements or resettlements under police threat or the threat of "inevitable flooding" of lands;

(d) Recognition of the land rights of the tribal people of the villages of Maharashtra and of other parts of the valley, and the issuance of title deeds to them;

(e) No expulsion orders or expropriation of land without a just, legitimate and equitable legal procedure, that grants the tribal people equal rights, including the right of protest;

(f) No closure of the floodgates at the foot of the dam;

(g) Recognition of the right of the populations concerned to meaningful participation, with decision-making power, and of their right to set up their own organizations in any area connected with the dam.

12. This is an urgent matter. When the next monsoon comes, if the floodgates are kept closed, several thousand families will face the danger of having their homes flooded.

Notes

1/ In Gujarat, for example, a tribal woman was raped at Antras on 4 April 1993.

2/ Two young tribal women were raped by police officers.